

REMARKS

Applicant has reviewed and considered the Office Action mailed on September 10, 2003, and the references cited therewith.

Claims 6 and 54 are canceled, and claims 66-77 are added; as a result, claims 1-5, 7-9, 42-44, 49-53, and 55-77 are now pending in this application.

§102 Rejection of the Claims

Claims 1-5, 7-9, 42-44, 49-53, 55-59, 61 and 64 were rejected under 35 USC § 102(e) as being anticipated by Miltich et al., (U.S. Patent No. 6,402,793).

Applicant submits that there are numerous distinctions between the subject matter recited in claims 1-5, 7-9, 42-44, 49-53, 55-59, 61 and 64 and the subject matter discussed in the Miltich et al. reference. However, Applicant has submitted herewith a declaration of Brian L. Schmidt, under 37 CFR 1.131. This declaration swears behind June 30, 2000, the effective filing date of the Miltich et al. patent. Accordingly, Applicant submits that the Miltich patent is unavailable as prior art against the present claims. Reconsideration and allowance is respectfully requested.

§103 Rejection of the Claims

Claims 60, 62, 63 and 65 were rejected under 35 USC § 103(a) as being unpatentable over Miltich et al., (U.S. Patent No. 6,402,793) in view of Rorvick et al., (U.S. Patent No. 6,009,348). As noted above, Applicant has submitted a declaration to remove the Miltich patent as prior art against the present claims.

Moreover, Applicant believes the present Office Action does not support a *prima facie* case of obvious. The Office Action must provide specific, objective evidence of record for a finding of a suggestion or motivation to combine or modify reference teachings and must explain the reasoning by which the evidence is deemed to support such a finding. *In re Lee*. Applicant respectfully submits that the Office Action has not provided objective evidence for a suggestion or motivation to modify the reference, but has merely made an unsupported assertion. Reconsideration and allowance is respectfully requested.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

Serial Number: 09/706576

Filing Date: November 3, 2000

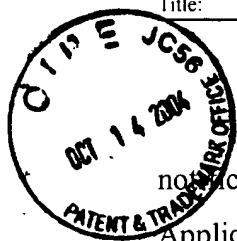
Title: CONFIGURATIONS AND METHODS FOR MAKING CAPACITOR CONNECTIONS

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Dkt: 279.268US1

Claims 6 and 54 were rejected under 35 USC § 103(a) as being unpatentable over Miltich et al., (U.S. Patent No. 6,402,793) in view of Kemkers et al., (U.S. Patent No. 3,938,228).

Claims 6 and 54 have been cancelled without prejudice or disclaimer.



CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and no objection to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

BRIAN L. SCHMIDT ET AL.

By their Representatives,

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Date 10/12/04

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 12 day of October, 2004.

Paula Suchy
Name

Paula Suchy
Signature

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